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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

AUG **1 0** 2007

Application Number: 09/054,180
Filing Date: April 01, 1998
Appellant(s): REISTAD ET AL.

GROUP 3600

PETER ZURA
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04/16/2007 appealing from the Office action

mailed 06/14/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,057,872   Candelore   05/2000

6,005,935   Civanlar   12/1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 12-36 and 39-63 are rejected under 35 U.S.C. 103 (a) as being unpatentable

over Candelore (U.S. Pat. No. 6,057,872) in view of Civanlar (U.S Pat. No. 6,005,935).

As per claim 12, Candelore substantially discloses an electronic commerce system

(transaction communication system, fig 1) comprising a client computer (receiving end,

130) and a server computer (transmitting end, 110, fig 1) the client computer and the

server computer being interconnected (channel, 120) by a public packet switched

communications network (see., fig 1, col 5, lines 6-25), the client computer being

programmed to transmit to the server computer an order acceptance request

comprising a plurality of terms or conditions of a proposed offer for a purchase, the

order acceptance request comprising a discrete message that includes at least one of

the modular elements individually protected by a cryptographic security code being a

digital coupon (see., figs 1 and 2, col 5, lines 6-25, 7, lines 19-9, line 65), the server

computer being programmed to process the order acceptance request based on pre-

programmed criteria, including authentication of the cryptographic security codes

embedded within each of the modular elements and examination of the modular

elements of the discrete message individually protected by the cryptographic security

codes, and, based on the processing of the order acceptance request, to transmit to the

client computer an order acceptance response based on the pre-programmed criteria,

the order acceptance response comprising a discrete message transmitted during a

negotiation phase of a transaction that includes a plurality of modular elements whose

individual integrity is protected by embedding cryptographic security codes within each

of the modular elements, wherein the client computer is programmed to receive the

digital coupon, protected by a cryptographic security code (keys), from another

computer (see., figs 1 and 2, col 5, lines 6-25, 7 lines 19-9, line 65).

Candelore fails to explicitly disclose an inventive concept of a plurality of modular

elements whose individual integrity is protected by embedding cryptographic security

codes within each of the modular elements. However, Civanlar discloses a plurality of

modular elements whose individual integrity is protected by embedding cryptographic

security codes within each of the modular elements (see., col 1, lines 46-55, 2, lines 6-

45, 2, lines 65-3, line 40). Therefore, it would have been obvious to a person of ordinary

skill in the art at the time the invention was made to modify the inventive concept of

Candelore to include Civanlar's plurality of modular elements whose individual integrity

is protected by embedding cryptographic security codes within each of the modular

elements, because this would have provided a system and method which uses personal

information as a key for protecting information sent over a communication network.

As per claims 13-36 and 39-63, they disclose the same inventive concept as claim 12.

Therefore, they are rejected under the same rationale.

(10) Response to Argument

In regard to Applicant's arguments filed on 04/16/2007, Applicant argues that the prior

art of record (Candelore and Civanlar) fail to disclose:

a.   a server computer being interconnected by a public packet switched

communications network wherein each modular element is protected by a cryptographic

security codes embedded within. However, the Examiner respectfully disagrees with

Applicant characterization of the prior art. Candelore discloses a communication system

includes a controller for transmitting program services to a plurality of subscriber

terminals via a communication channel. The program service may include television

programs which are broadcast or continuously transmitted on a predetermined

schedule, pay-per-view programs which require specific user selection and either a local

transacted or remotely transacted purchase, Near Video-On-Demand which is pay-per-

view offered at staggered broadcast times, and Video-On-Demand services, which are

transmitted only in response to a user request, or other electronic information such as

computer software. A usage pattern accounting center which is associated with a

network controller may be provided. The usage pattern accounting center can receive

usage pattern data from the terminals via a communication link, such as an upstream

path in the channel over which the program services are transmitted, or a telephone

network (emphasis added). This is especially useful for determining the viewship of

commercials or infomercials wherein the cost of running the ad in a program is

oftentimes a function of the estimated viewing audience. Candelore further discloses a controller to deliver different digital coupon information to the different subscriber terminals based on the usage pattern data or other demographic or individual data which has been compiled by other means. The digital coupon information can provide different preconditions of obtaining the same credits, or the same preconditions for obtaining different credits. For example, it is possible to reward favored subscribers such as those who purchase relatively more programming by providing the favored subscribers with more coupons than other, less favored, subscribers when the same viewing preconditions are met. Various cryptographic techniques are employed to prevent unauthorized access to the digital coupons. Accordingly, to Candelore the digital coupon information and program services can be encrypted according to a common cryptographic key. This could allow an authenticated file, for example, which represents a coupon image, to be sent to the decoders. The coupon could subsequently be redeemed as an authenticated image by transmitting the coupon from the decoder to the program service provider or order accounting center. For the above reason the rejection is maintain.

b.   In regard to claims 12 and 39, Applicant argues that Candelore fails to disclose that the client computer is protected by a cryptographic security code, **from another computer**. Applicant should note that another computer is readable as computer 150, see fig 1, not the client computer 130.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Pierre Eddy Elisca

Primary Examiner

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